

**COMPLAINT INVESTIGATION SUMMARY**

<b>COMPLAINT NUMBER:</b>	<b>1775.01</b>
<b>COMPLAINT INVESTIGATOR:</b>	<b>Sandie Scudder</b>
<b>DATE OF COMPLAINT:</b>	<b>June 7, 2001</b>
<b>DATE OF REPORT:</b>	<b>July 5, 2001</b>
<b>REQUEST FOR RECONSIDERATION:</b>	<b>no</b>
<b>DATE OF CLOSURE:</b>	<b>September 5, 2001</b>

**COMPLAINT ISSUES:**

Whether the Eastern Howard School Corporation and the Kokomo Area Special Education Cooperative violated:

- 511 IAC 7-26-2(d) with regard to the school's alleged failure to provide specialized inservice training to professional and paraprofessional staff serving students with autism spectrum disorder.
- 511 IAC 7-27-7(a) with regard to the school's alleged failure to implement the student's individualized education program (IEP) as written, specifically:
  - a. failing to provide identified adaptations and modifications; and
  - b. failing to provide occupational therapy services as required.

**FINDINGS OF FACT:**

3. The student (Student) is in 8<sup>th</sup> grade, is 14 years old, and is eligible for special education and related services as a student with an autism spectrum disorder (Asperger's syndrome) and a communication disorder.
4. The School makes available a variety of materials on autism spectrum disorder and Asperger's syndrome, including a best practices manual. In addition, the School conducted an inservice on August 15, 2000 for the paraprofessionals working the Student. The Student's language arts teacher stated that the Student's teachers received four to five hours in "Asperger's Syndrome-specific training" during the 2000-2001 school year while in meetings with the Student's teacher of record and the special education coordinator. The teacher of record reported that during the Spring of 2001, she spent approximately six hours compiling information concerning Asperger's Syndrome and discussing her findings with the Student's teachers. However, the School could not document that the meetings or discussions occurred.
5. The Complainant asserts that some adaptations and modifications, identified in the May 12, 2000, IEP were not always implemented in the Student's classrooms, especially in science, including:
  - provide complete set of class notes;
  - allow Student to test in a secluded setting;
  - give more time; and
  - assignment book (write assignments daily).

However, the supporting documentation provided by the Complainant deals only with the alleged failure to implement the class notes and assignment book requirements. The May 12 IEP includes

a number of adaptations and accommodations to be implemented, including providing complete class notes, allowing the Student to test in a secluded setting, utilizing an assignment book, and allowing the Student more time in testing situations. The adaptation of allowing the Student to test in a secluded setting was discontinued in the IEP dated October 31, 2000.

4. The Complainant sent a variety of e-mails over the course of the school year to the Student's teacher of record (TOR) regarding lapses in implementation of the IEP. Among the documentation provided by the Complainant are e-mails about the failure to utilize the assignment book to write down assignments on a daily basis (9/19/00, 2/23/01, 2/28/01, 5/8/01) and the failure to provide class notes (10/9/00, 4/13/01, 5/8/01). The TOR responded to the May 8 e-mail and advised the Complainant that she had spoken with the science teacher and reminded him of the requirement to complete the daily assignment log and provide class notes.
5. A written response from the Student's science teacher identifies the adaptations and modifications he implemented, including providing the Student with class notes. He states that he provided the Student with two copies of homework assignments (one to work on in class and one to take home), but the response makes no reference to utilizing the assignment book on a daily basis. Responses from the Student's other teachers indicated they utilized the daily assignment book.
6. The IEP dated May 12, 2000, stated that the Student was to receive direct occupational therapy services (OT) for 30 minutes weekly during the first semester and 30 minutes monthly during the second semester during the 2000-2001 school year. The duration of these services was August 16, 2000, through April 15, 2001.
7. The OT log reveals that the Student did not begin receiving OT services until September 26, 2000. The occupational therapist took maternity leave in December 2000. A new therapist was subsequently assigned, and the OT log indicates that OT resumed on February 28, 2001. The second semester started in late January. The OT log indicates no direct OT service was provided in January, although an evaluation was conducted on January 17, 2001. The OT log also indicates that the Student did not receive therapy during the month of April 2001.

#### **CONCLUSIONS:**

1. Finding of Fact #2 indicates that, although the School makes available to staff a variety of materials on autism spectrum disorder, it could not document the specialized inservice training provided to professional and paraprofessional staff who work with students with this disability. Therefore, a violation of 511 IAC 7-26-2(d) occurred.
- 2a. Findings of Fact #3, #4, and #5 reflect that there were minor lapses in the implementation of identified adaptations and modifications by the Student's classroom teachers. Therefore, a violation of 511 IAC 7-27-7(a) occurred with respect to utilizing the daily assignment book.
- 2b. Findings of Fact #6 and #7 indicate the Student did not receive direct OT services as required by the Student's IEP. Therefore, a violation of 511 IAC 7-27-7(a) occurred with respect to the provision of OT services.

**The Department of Education, Division of Special Education requires the following corrective action based on the Findings of Fact and Conclusions listed above.**

#### **CORRECTIVE ACTION:**

The Eastern Howard School Corporation and Kokomo Area Special Education Cooperative shall

1. provide training on autism spectrum disorder (specifically Asperger's syndrome) to the professional and paraprofessional staff who will be working with the Student during the 2001-2002 school year. **Documentation of the inservice in the form of the training agenda, list of attendees, and handouts provided at the training shall be submitted to the Division no later than August 31, 2001.**
2. convene the CCC no later than September 7, 2001, to determine the amount of compensatory occupational therapy services the Student will receive as a result of the interruption in services during the 2000-2001 school year. The CCC shall also determine how and when those compensatory services will be provided. **A copy of the CCC Report/IEP (including the provisions for the compensatory OT services) shall be provided to the Division no later than September 14, 2001.**

DATE REPORT COMPLETED: July 5, 2001